

PETER GOODMAN  
Attorney at Law  
State Bar No. 65975  
400 Montgomery Street, Second Floor  
San Francisco, California 94104  
Telephone: (415) 781-8866  
Facsimile: (415) 781-2266  
E-Mail: [goodmanlawoffice@att.net](mailto:goodmanlawoffice@att.net)

5 Attorney for Defendant  
6 MICHAEL TOMADA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

18 The United States of America, by its attorneys, Brian Stretch, United States  
19 Attorney, and Assistant United States Attorney ("AUSA") Kevin Barry, and defendant  
20 MICHAEL TOMADA, by his attorney, Peter Goodman, hereby submit this Stipulation  
21 and [Proposed] Order requesting that the August 26, 2016, date currently set for the  
22 defendant to enter a new plea in this matter be continued and that the change of plea  
23 hearing be reset for September 9, 2016, at 9:30 a.m. The parties hereby stipulate and  
24 agree to the following:

25       1. At the last calling of this case, the parties requested that the Probation  
26 Department prepare a Pre-Plea Report calculating defendant TOMADA's Criminal  
27 History Category ("CHC"). On August 19, 2016, USPO Jessica Goldsberry disclosed  
28 a Modified Presentence Investigation Report finding that defendant TOMADA had six

criminal history points which placed him in CHC III.

2. With the information provided by USPO Goldsberry, the parties are attempting to finalize the terms of the Plea Agreement in this matter but it may need to be submitted and approved by AUSA Barry's Supervisor. The parties are therefore requesting that the change of plea hearing be continued for two weeks to accomplish that result.

3. The parties further stipulate and agree that time be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from August 26, 2016, to September 9, 2016, to ensure the parties have adequate time to prepare. The parties further stipulate and agree that the exclusion of time agreed to herein is in the interests of justice and will serve to ensure effective assistance of counsel for defendant TOMADA.

SO STIPULATED

DATED: August 25, 2016

**BRIAN STRETCH**  
United States Attorney

By: \_\_\_\_\_ /s/  
KEVIN BARRY  
Assistant United States Attorney

SO STIPULATED

DATED: August 25, 2016

/s/  
PETER GOODMAN  
Attorney for Defendant  
MICHAEL TOMADA

III

III

III

1                   **ORDER VACATING DATE FOR CHANGE OF PLEA**  
2                   **HEARING AND SETTING NEW DATE FOR HEARING**

3                 Based on the stipulation of the parties and good cause appearing therefor,  
4                 IT IS HEREBY ORDERED that the August 26, 2016, date currently set for a change  
5                 of plea hearing in this matter be vacated and the matter be continued to September  
6                 9, 2016, at 9:30 a.m. for defendant TOMADA to change his plea. IT IS FURTHER  
7                 ORDERED that time be excluded under the Speedy Trial Act pursuant to 18 U.S.C.  
8                 §§3161(h)(7)(A) and (h)(7)(B)(iv) from August 26, 2016, to September 9, 2016, in the  
9                 interests of justice to ensure the parties have adequate time to finalize the terms of the  
10                 disposition in this matter. The Court finds that the ends of justice served by granting the  
11                 continuance outweigh the best interests of the public and the defendant in a speedy trial.

12                 DATED: August 25, 2016

